THE HON'BLE MS JUSTICE G.ROHINI

WP Nos.7376, 7531, 7552, 7637, 7642, 7789,

7793, 7840, 7893 and 8053 of 2003

Dated 13-02-2006

Between:

M/s Sri Venkata Ramana Grains and others.

..... PETITIONERS

AND

The District Collector, Karimnagar District.

.....RESPONDENT

THE HON'BLE MS JUSTICE G.ROHINI

WP Nos.7376, 7531, 7552, 7637, 7642, 7789,

7793, 7840, 7893 and 8053 of 2003

COMMON ORDER:

The petitioners in all these writ petitions claim to be rice millers.

These writ petitions are filed aggrieved by the orders dated 12-02-2003 passed by the District Collector, Karimnagar, where under the petitioners were black listed and the District Manager, Food Corporation of India, Karimnagar, was directed not to accept the deliveries towards mill levy from the petitioner-mills in future.

It is not in dispute that all the petitioners were served with show cause notices issued by the respondent calling upon them to show cause as to why further deliveries of rice under mill levy to Food Corporation of India should not be stopped and why the petitioners should not be black-listed, thereby prohibiting them from participating in the minimum support price operations (MSP) alleging that the millers had indulged in fictitious transactions while delivering rice towards mill levy. The petitioners submitted their explanations denying all the allegations. However, the respondent under the impugned orders held that it had been established that the petitioners transported rice by making fictitious entries as well as making paper transactions i.e., without transporting rice physically with the connivance of the

authorities at the State Warehousing Corporation, Jagtial. Thus, all the petitioners were black-listed under the impugned orders and the District Manager, Food Corporation of India, Karimnagar was directed not to accept the deliveries towards the mill levy from the petitioners in future.

This Court while ordering Rule Nisi suspended the impugned orders and it is not in dispute that by virtue of the interim orders, the impugned orders have not been given effect to.

In the counter-affidavit filed by the respondent - District Collector, while justifying the impugned orders, it is further stated as under:

> "*In view of issue of control order dated 15-02-2002 by the Central Government which is called "Removal of (Licensing Requirements, Stocks Limits and Movement Restrictions) on Specified Food Stuffs Order, 2002" the petitioner is free to sell any quantity of rice to anybody without any permit and such rice can also be moved without any permits. Therefore, the contention of the petitioner that by the operation of impugned order, he was not allowed to carry on business from the rice mill is incorrect. Here it is pertinent to mention that collection of mill levy from the petitioner's mill is purely discretionary and he cannot insist purchase of rice from his mill or question the administrative directions issued in the matter. However, keeping in view of the requirement of rice to PDS/AAY/Annapurna/MDM/FFWP/Hostels etc., ban imposed (kept under black list) on the said mill has been lifted conditionally for Rabi 2002-03 season only*."

In view of what has been stated in the counter-affidavit, it is clear that by virtue of the control order viz., the Removal of (Licensing Requirements, Stocks limits and Movement Restrictions) on Specified Food Stuffs Order, 2002 (for short "the control Order, 2002") the rice millers are free to sell any quantity of rice to anybody without any permit and they are also entitled to move rice without any permit. It is also clear from the counter-affidavit that by virtue of the said control order, as of today there is no prohibition or embargo on the petitioners-millers to carry on their business. Hence, no further adjudication is necessary on merits and on promulgation of Control Order, 2002, virtually the impugned orders dated 12-02-2003 have

been rendered superfluous.

Accordingly, recording the statement of the District Collector in his counter-affidavit, the writ petitions are disposed of. It is made clear that mill levy in future is concerned the petitioners shall be considered on par with the other millers in accordance with law, without having regard to the impugned orders dated 12-02-2003. No costs.

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(G. ROHINI, J)

Date:13 -02-2006

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